



SACHI A. HAMAI  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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*"To Enrich Lives Through Effective And Caring Service"*

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July 12, 2016

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

17 July 12, 2016

LORI GLASGOW  
EXECUTIVE OFFICER

### **RESPONSES TO THE 2015-2016 CIVIL GRAND JURY INTERIM REPORT RECOMMENDATIONS (ALL DISTRICTS AFFECTED) (3 VOTES)**

#### **SUBJECT**

Approval of Los Angeles County (County) responses to the findings and recommendations of the 2015-2016 Los Angeles County Civil Grand Jury (CGJ) Interim Report, and the transmittal of responses to the CGJ, as well as the Superior Court, upon approval by the County Board of Supervisors (Board).

#### **IT IS RECOMMENDED THAT THE BOARD:**

1. Approve the responses to the findings and recommendations of the 2015-2016 Los Angeles County Civil Grand Jury Interim Report that pertains to County government matters under the control of the Board (see Attachment).
2. Instruct the Executive Officer of the Board of Supervisors to transmit copies of this report to the Civil Grand Jury, upon approval by the Board.
3. Instruct the Executive Officer of the Board of Supervisors to file a copy of this report with the Superior Court, upon approval by the Board.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Section 933 (b) of the California Penal Code establishes that the county boards of supervisors shall comment on grand jury findings and recommendations which pertain to county government matters under control of those boards.

On April 21, 2016, the Civil Grand Jury released the Interim Report "Who Cares for the Dead When the Dead Don't Vote?" This report was the result of a review of all Los Angeles County functions

dealing with the deceased, including the Department of the Medical Examiner-Coroner and the Department of Health Services' Office of Decedent Affairs. The report examined the present workings of the two offices. The Chief Executive Office, Department of Medical Examiner-Coroner, and Department of Health Services have jointly reported back on the Civil Grand Jury recommendations. This response is attached as the County's official response to the 2015-2016 Civil Grand Jury Interim Report.

### **Implementation of Strategic Plan Goals**

The recommendations and responses are consistent with all three of the County Strategic Plan Goals:

Goal No. 1 – Operational Effectiveness:

Maximize the effectiveness of the process, structure, operations and strong fiscal management to support timely delivery of customer-oriented and efficient public services.

Goal No. 2 – Community Support and Responsiveness:

Enrich lives of Los Angeles County residents by providing enhanced services, and effectively planning and responding to economic, social, and environmental challenges.

Goal No. 3 – Integrated Services Delivery:

Maximize opportunities to measurably improve client and community outcomes and leverage resources through the continuous integration of health, community, and public safety services.

### **FISCAL IMPACT/FINANCING**

Any additional costs will be considered in the various budget phases.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

In accordance with California Penal Code Section 933 (b), the Chief Executive Office, Department of Medical Examiner-Coroner, and the Department of Health Services have submitted a joint response to the 2015-2016 County of Los Angeles Civil Grand Jury Interim Report.

### **ENVIRONMENTAL DOCUMENTATION**

Not applicable.

### **CONTRACTING PROCESS**

Not applicable.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Not applicable.

The Honorable Board of Supervisors

7/12/2016

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sachi A. Hamai". The signature is written in a cursive, flowing style.

SACHI A. HAMAI

Chief Executive Officer

SAH:JJ:FAD:CT:yjf

Enclosures

c: Executive Office, Board of Supervisors  
County Counsel  
Department of Medical Examiner-Coroner  
Department of Health Services

**RESPONSE TO THE 2015-16  
LOS ANGELES COUNTY CIVIL GRAND JURY INTERIM REPORT**

## **REVIEW OF THE REPORT**

The Civil Grand Jury investigated two County offices that deal with the deceased, including the Department of Medical Examiner-Coroner (DMEC) and decedent services provided by the Department of Health Services (DHS).

Pertaining to the DMEC, the report addressed workload, investigations and examination process, and accreditation. A summary of their findings are listed below.

1. Workload

The DMEC processes approximately 10,000 of the 20,000 to 25,000 deaths each year and performs approximately 4,000 autopsies per year at their facility located near downtown. This workload is comparable to the medical examiner offices in New York City (New York) and Cook County (Chicago). However, these jurisdictions are physically smaller, serve smaller populations, and employ more critical staff per capita.

2. Investigations and Examination Process

Prior to the forensic pathologist beginning an autopsy, the investigator must complete a report detailing the scene at which a body is found, including personal effects gathered there. The report stated that the DMEC takes on average longer than 90 days to complete final autopsy reports, which is the National Association for Medical Examiners (NAME) standard.

Further, during an autopsy, internal examinations are also conducted, including the collection of body fluids and tissue samples, to determine if there is a presence of drugs, poison, and/or disease(s) and to preserve DNA. Samples retrieved more than two weeks after death will have likely degraded and may not be optimally reliable. The report indicated that DMEC toxicology lab requires several months to analyze samples taken in routine autopsies, jeopardizing the NAME accreditation of the facility.

In addition, the report identified that on average more than 400 bodies are stored in the crypt. In the vast majority of cases, the report further stated that the DMEC is unable to meet the minimum acceptable standard autopsy report completion time of 90 days.

3. Accreditation

The DMEC is currently accredited by the NAME. They require a facility maintain specific standards in management, personnel, operations, procedures, instruments, physical site, and safety. The report found that the DMEC is

understaffed in forensic pathology, investigator, and criminalist (laboratory) positions.

- *Forensic Pathologist*: Per the report, there are only 500 to 600 board-certified forensic pathologists in the U.S. In 2015, 43 doctors nationally were newly board certified as forensic pathologists. The DMEC currently employs 23 forensic pathologists, and with the Medical Examiner-Coroner recently resigning, the report recommends that there is an immediate critical need for two additional doctors. The NAME suggests a median staffing level of 3.2 forensic pathologists per million of population, translating to a recommended staffing level of 32 forensic pathologists at DMEC.
- *Coroner Investigators*: The DMEC has 46 budgeted investigator positions to cover a total caseload of about 10,000 incidents per year. The NAME suggests a median staffing level of 5.9 investigators per million of population, translating to a recommended 59 investigators at DMEC.
- *Criminalists/Forensic Toxicologists*: These positions are critical to the DMEC's operations, are highly specialized, and require several years of experience and training. The DMEC has budgeted 13 forensic toxicology positions, with six vacancies. The NAME suggests a median staffing level of 3.5 toxicologists per million of population, translating to a recommended staffing level of 35 toxicologists at DMEC.

In addition to the DMEC, the Civil Grand Jury reviewed the Office of Decedent Affairs (ODA) and its operations of the County morgue, crematory, and cemetery. The report highlighted that only two of the five existing retorts (furnaces) are currently in operation and have long needed upgrading. The report further questions whether continued operation of the County crematory is an effective use of resources. The report suggests that the DMEC and ODA be consolidated once the DMEC is appropriately staffed to perform core functions.

The Chief Executive Officer (CEO) has taken immediate steps to provide critical support to the DMEC, including the establishment of a Coroner Support Team. This Support Team consists of representation from the CEO, the Auditor-Controller, and the Department of Human Resources. This team has already begun to implement strategies to support the DMEC. The following section provides the responses to the identified recommendations listed in the 2015-2016 Los Angeles County Civil Grand Jury Interim Report.

## **RESPONSE TO RECOMMENDATIONS**

### **RECOMMENDATION NO. IR2.1**

*Los Angeles County and DMEC, within the next 90 days, should initiate a study to identify and correct barriers to recruitment and retention of board-certified professionals with respect to budgeted, but unfilled positions at DMEC, including, among others, forensic pathologists, investigators, and toxicologists.*

### **RESPONSE**

Agree. There are numerous factors that can impact the department's ability to effectively recruit and retain staff. A study has been initiated exploring the starting salaries and budget implications. Also, the department will survey current and ex-staff members, including fellows, to better understand their decisions to work for the DMEC versus other employers. However, networking opportunities with associations and higher education institutions are also critical to establishing a continuous flow of qualified applicants. Further, recruitment efforts can be enhanced by more effectively advertising to potential candidates by using an executive recruitment firm. All strategies to ensure effective recruitment will continue to be explored.

### **RECOMMENDATION NO. IR2.2**

*Los Angeles County and DMEC should increase staffing at DMEC immediately in order to reduce the risk of error, the need for high amounts of overtime, employee redeployment in cases of rapidly growing backlogs, and employee burnout. Evidence that Los Angeles County is providing additional resources to the department might allow DMEC to keep its accreditation, currently in great jeopardy, on a provisional basis. Specifically, staffing should be increased by:*

*IR2.2(a) 12 full-time investigators;*

*IR2.2(b) 2 full-time forensic pathologists; and*

*IR2.2(c) 7 full-time toxicologists.*

### **RESPONSE**

Partially agree. A multi-pronged approach has been taken to provide immediate support to the department and provide adequate time to conduct a workload study to determine appropriate staffing levels. This approach included the on-boarding of three 120-day retirees, conducting a Request for Statement of Qualification (RFSQ) to employ contract physicians, and approval to on-boarding 12 temporary clerical staff from the Department of Public Social Services (DPSS) Transitional Subsidized Employment Program to support department clerical operations. Further, the Department was provided ordinance authority to immediately hire the following positions:

- Six Coroner Investigators
- Four Senior Criminalist
- One Supervising Criminalist I
- One Supervising Coroner's Investigator I

In addition, a contract was put in place with Orange County (OC) Sheriff to assist with screening Blood Alcohol tests when needed. To date, 750 Blood Alcohol screenings were completed by OC. Also, NMS Labs has been engaged to assist with other toxicology tests, such as sympathomimetic amines.

A consultant has been engaged to conduct a workload study, but additional time is needed to complete this analysis. Upon completion of this analysis, recommendations will be provided to the Board of Supervisors for its consideration.

### **RECOMMENDATION NO. IR2.3**

*Los Angeles County and DMEC should, beyond the positions required by recommendation IR2.2, further increase staffing at DMEC in order to achieve median staffing levels per millions of population strongly recommended by the NAME. Specifically, staffing should be increased by:*

*IR2.3(a) 1 full-time investigator,*

*IR2.3(b) 7 full-time forensic pathologists, and*

*IR2.3(c) 15 full-time toxicologists.*

### **RESPONSE**

Partially agree. To date, the CEO has allocated 4.0 Senior Criminalist positions and 1.0 Supervising Criminalist position. With support from the CEO and DHR, the Department has begun the process of:

- Immediately hiring 4.0 Criminalists to work in the toxicology lab, (3.0 positions borrowed from the DNA Unit will be assigned back to DNA); and
- Immediately hiring 1.0 Supervising Criminalist. An offer has been accepted and is currently going through the background investigation process.

This recommendation will be further analyzed once an assessment of workload is completed. The NAME's recommended staffing levels will be taken in to consideration as part of the analysis. Upon completion of this analysis, recommendations will be provided to the Board of Supervisors for its consideration.

#### **RECOMMENDATION NO. IR2.4**

*Los Angeles County and DMEC should increase compensation, by means perhaps, of starting such employees at higher steps on the county's pay scale, and other incentives, in order to effectively recruit and retain these specialized individuals.*

#### **RESPONSE**

Partially agree. There are numerous factors that can impact the department's ability to effectively recruit and retain staff. The County has made efforts to increase compensation by:

- (a) Placing forensic pathologists on a higher salary scale than other pathologists;
- (b) Starting forensic pathologists on a higher step initially; and
- (c) Exploring the feasibility of increasing the compensation for the fellowship position in forensic pathology.

The DMEC has also increased compensation by:

- (a) Paying for 5 days of training time per doctor;
- (b) Paying the cost of the patient safety course required for recertification by the American Board of Pathology; and
- (c) Offering free Continuing Medical Education (CME) and SAM credit at the Forensic Science Seminar.

A study has been initiated to further explore starting salaries and budget implications, but additional time is needed. Further, networking opportunities with associations and higher education institutions is also critical to establishing a continuous flow of qualified applicants. In addition, recruitment efforts can be enhanced by more effectively advertising the positions to potential candidates to ensure the right candidates are applying for the positions. The DMEC will continue to explore all strategies to ensure effective recruitment.

#### **RECOMMENDATION NO. IR2.5**

*Los Angeles County and DMEC should, within the next fiscal year, establish in the West Valley area a facility comparable and redundant to the medical examiner's sole facility.*

#### **RESPONSE**

This recommendation requires further analysis. An alternate full service facility to provide redundancy and resilience of DMEC operations may be of benefit. However, core laboratory functions will need to continue to be centralized at the Forensic Science Center in Los Angeles. A consultant has been engaged to conduct a workload study to

determine the impacts and potential benefits of a single facility versus the need for an additional facility. Additional time is needed to complete this analysis.

**RECOMMENDATION NO. IR2.6**

*Should Los Angeles County continue operation of its crematory, Los Angeles County and DHS should replace the crematory retorts, including necessary upgrading of plumbing, electrical, and HVAC systems. The crematory floor needs to be replaced. Other structural issues also may need to be addressed.*

**RESPONSE**

In March 2016, DHS started utilizing private crematories through contracts that the Department of the Medical Examiner-Coroner already had in place. These private crematories enabled DHS to successfully address their backlog issues caused by the limited functionality of the current antiquated crematory retorts at the LAC+USC Medical Center. DHS is currently acquiring cost estimates to evaluate the cost-effectiveness of retort replacement versus the feasibility in outsourcing this service to private crematories on an ongoing basis.

**RECOMMENDATION NO. IR2.7**

*Los Angeles County should not move the indigent-related functions of ODA from DHS to DMEC until the 21 additional personnel needed by DMEC to be basically functional in its mission, recommended previously in IR2.2, are provided. The CGJ recommends that if, or when, the consolidation goes forward it include additional staff for DMEC, along with other appropriate support, necessary for the work to be properly performed by DMEC, according to the laws of California, on behalf of the people of Los Angeles County. Specifically, staffing should be increased by:*

*IR2.7(a) 6 full-time investigators;*

*IR2.7(b) 5 full-time transport workers; and*

*IR2.7(c) 2 full-time clerks.*

**RESPONSE**

Agree. The morgue operations should not be moved to DMEC until the department is able to sufficiently perform core functions. This recommendation will be reconsidered at a later date.